

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF TYLER WEAVER IN
SUPPORT OF PLAINTIFFS' OPPOSITION
TO CITY OF SEATTLE'S MOTION FOR
SUMMARY JUDGMENT

Noted: November 15, 2022

I, Tyler Weaver, declare as follows:

1. I am an attorney with Morgan, Lewis & Bockius LLP and represent Plaintiffs in the above-captioned action. I am over eighteen years of age and am competent to testify herein. I make the following statements based on my personal knowledge.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Seth W. Stoughton taken on August 30, 2022.

DECLARATION OF TYLER WEAVER IN
SUPPORT OF PLAINTIFFS' RESPONSE TO CITY
OF SEATTLE'S MOTION FOR
SUMMARY JUDGMENT
(Case No. 2:20-cv-00983-TSZ) - 1

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3. Attached hereto as **Exhibit 2** is a true and correct copy of the expert opinion of Dr. Jon M. Shane dated June 2, 2022 (*Expert Opinion Regarding the Actions of the Seattle Police Department Regarding the East Precinct and the Occupation of Capitol Hill in June 2020*).

4. Attached hereto as **Exhibit 3** is a true and correct copy of an email from Thomas Mahaffey to Carmen Best regarding “FW: Communications: Response protocol notification for East Precinct (red zone) and protests” with attachment “2020-06-15 June 15 Events FINAL IAP.PDF” dated June 14, 2020 (Bates stamped SEA_00015760 – SEA_00015761).

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Casey Sixkiller taken on October 12, 2021.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the Videotaped Deposition of Samuel Zimbabwe taken on October 28, 2021.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Carmen Best taken on November 9, 2021.

8. Attached hereto as **Exhibit 7** is a true and correct copy of a June 30, 2020 Executive Order issued by City of Seattle, Mayor Jenny A. Durkan (Bates stamped SEA_00045264 – SEA_00045268).

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Harold Scoggins taken on September 14, 2021.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Mami Hara taken on October 4, 2021.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Jenny A. Durkan taken on December 8, 2021.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Michael Wells taken on March 30, 2022.

1 13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the
2 Transcript of the Videotaped Deposition of Thomas Mahaffey taken on January 26, 2022.

3 14. Attached hereto as **Exhibit 13** is a true and correct copy of an email from Harold
4 Scoggins to Casey Sixkiller, Michael Fong, Stephanie Formas, Shefali Ranganathan, Sam
5 Zimbabwe, Mami Hara, Carmen Best, Thomas Mahaffey, Lesley Cordner, and Adrian Diaz; cc to
6 Bryan Hastings regarding “RE: SFD Protest Zone Response Map” dated June 11, 2020 (Bates
7 stamped SEA_00020291 – SEA_00020292).

8 15. Attached hereto as **Exhibit 14** is a true and correct copy of “11am Update – E
9 Precinct” by Organiser Laurel Nelson to Attendees with attachment “2020-06-10 6am Call
10 Notes.docx” dated June 10, 2020 (Bates stamped SEA_00028170 – SEA_00028172).

11 16. Attached hereto as **Exhibit 15** is a true and correct copy of Seattle Police’s Incident
12 Action Plan dated June 29, 2020 (Bates stamped SEA_00007766 – SEA_00007780).

13 17. Attached hereto as **Exhibit 16** is a true and correct copy of an email from Tyrone
14 Davis to Thomas Mahaffey, Carmen Best, and Lesley Cordner; cc to Kevin Grossman, Michael
15 Edwards, Jason Verhoff, Eric Barden, James Danielson, Joel Williams, Christopher Kelley, Lauren
16 Truscott, and Bryan Grenon regarding “Situation Report – June 16th, 2020” dated June 16, 2020
17 (Bates stamped SEA_00022828 – SEA_00022829).

18 18. Attached hereto as **Exhibit 17** is a true and correct copy of an email from James
19 Curtis to Alan Goto, James Richards, Paul Melders, Gene Goodner, Stuart Patterson, Dave Pedras,
20 Zachary Drathman, Michael Larson, Jason Pierce, Bryan Smith, Andrew Stewart, and Paul
21 Westfall regarding “FW: CHOP Response Guidelines D-SHIFT 06/30/2020) dated June 30, 2020
22 (Bates stamped SEA-PDR_002188 – SEA-PDR_002190).

23 19. Attached hereto as **Exhibit 18** is a true and correct copy of Incident Report
24 #F200058386 dated June 14, 2020 (Bates stamped SEA-SFD_000046 – SEA-SFD_000047).

20. Attached hereto as **Exhibit 19** is a true and correct copy of an email from Ronald Mondragon to Harold Scoggins, Willie Barrington, Bryan Hastings, Timothy Munnis, Helen Fitzpatrick, and SFDPIO regarding “FW: RE” inc 60567 & 60572 bad situation” dated June 20, 2020 (Bates stamped SEA_00091919).

21. Attached hereto as **Exhibit 20** is a true and correct copy of an email from Hans VanDusen to Mami Hara; cc to Jeff Fowler, Ned Worcester, Chad Buechler, David Hare, Idris Beauregard, and Ty Barrett regarding “RE: SPU Support on ‘March for Justice’ events” dated June 12, 2020 (Bates stamped SEA_00102780 – SEA_00102788).

22. Attached hereto as **Exhibit 21** is a true and correct copy of “2PM Update – E Precinct (see notes)” by Organiser Laurel Nelson to Attendees with attachment “6-10-20 11 AM E Precinct Call Notes (002).docx” dated June 10, 2020 (Bates stamped SEA_00028178 – SEA_00028179).

23. Attached hereto as **Exhibit 22** is a true and correct copy of an email from Michael Yadrick to Joey Furuto regarding “Re: Parks and Environment Team” dated June 17, 2020 (Bates stamped SEA_00045734 – SEA_00000045736).

24. Attached hereto as **Exhibit 23** is a true and correct copy of an email from Casey Sixkiller to Michael Fong and Shefali Ranganathan with multiple attachments dated June 9, 2020 (Bates stamped SEA_00102554 – SEA_00102565).

25. Attached hereto as **Exhibit 24** is a true and correct copy of the City of Seattle “Letter of Intent (‘LOI’) – The Riveter Co-work Space, 1517 12th Ave., Suite 101, Seattle, WA 98122” from Senior Deputy Mayor Mike Fong to Jill Cronauer and Amy Nelson dated June 24, 2020 (Bates stamped CHOP-0000718 – CHOP-0000719).

26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Tamara Kilburn taken on May 13, 2021.

27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of John McDermott taken on January 19, 2022.

28. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Joey Furuto taken on March 18, 2022.

29. Attached hereto as **Exhibit 28** is a true and correct copy of the “2018 Seattle Fire Code: Chapter 1 – Scope and Administration; Chapter 5 – Fire Service Features.”

30. Attached hereto as **Exhibit 29** is a true and correct copy of “Plaintiffs’ Supplemental Response to Amended Interrogatory No. 3” dated August 31, 2022.

31. Attached hereto as **Exhibit 30** is a true and correct copy of “Partial Transcription of Conversation Between Demonstrators of The CHAZ and Fire Chief Scoggins, 06/13/2020” (video source: <https://www.youtube.com/watch?v=8fGzRtX9ujY>).

32. Attached hereto as **Exhibit 31** is a true and correct copy of Dr. Eric L. Piza, Ph.D.’s Expert Witness Report dated April 27, 2022.

33. Attached hereto as **Exhibit 32** is a true and correct copy of an email from AJ Cari to Bobby Lee, Heidi Hall, Danielle Hursh, Stephanie Gowing, Matthew Houghton, Meghan Sebold, Nancy Yamamoto, Theresa Barreras, Pedro Gomez, Chris Swenson, and Amanda Allen; cc to Michael Wells, Scott Plusquellec, and Karissa Braxton regarding “RE: EOC Activation Transition – Marches & Protests” dated June 10, 2020 (Exhibit 2 to Michael Wells Deposition dated March 30, 2022) (Bates stamped SEA_00169724 – SEA_00169732).

34. Attached hereto as **Exhibit 33** is a true and correct copy of an email from Jenny Durkan to Carmen Best and Harold Scoggins; cc to Michael Fong and Casey Sixkiller regarding “[No Subject]” dated June 20, 2020 (Bates stamped SEA_00125617).

35. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Idris Beauregard taken on July 14, 2022.

36. Attached hereto as **Exhibit 35** is a true and correct copy of the City of Seattle’s Executive Order 2020-08 from Mayor Jenny A. Durkan dated June 30, 2020 (Bates stamped SEA_00045264 – SEA_00045268).

37. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Bill Donner taken on November 16, 2021.

38. Attached hereto as **Exhibit 37** is a true and correct copy of excerpts from the Transcript of the Videotaped Deposition of Matthew Ploszaj taken on June 10, 2021.

39. Attached hereto as **Exhibit 38** is a true and correct copy of an email from Lauren Truscott to Carmen Best regarding “Fw: Video depicting violent assaults by CHAZ self-appointed enforcers” dated June 16, 2020 (Bates stamped SEA_00036583 – SEA_00036584).

40. Attached hereto as **Exhibit 39** is a true and correct copy of an email from Jenny Durkan to Laurie Wheeler and Lisa Herbold regarding “Re: Reduce CHAZ/CHOP” dated June 16, 2020 (Bates stamped SEA_00022085).

41. Attached hereto as **Exhibit 40** is a true and correct copy of an email from Bobby Lee to Glen Lee regarding “Fwd” Incidents at Broadway Building” dated June 19, 2020 (Bates stamped SEA_00091063 – SEA_00091068).

42. Attached hereto as **Exhibit 41** is a true and correct copy of an email from Michael Oaksmith to Shefali Ranganathan and Bobby Lee regarding “12th ave right now” dated June 29, 2020 (Bates stamped SEA_00082832 – SEA_00082837).

43. Attached hereto as **Exhibit 42** is a true and correct copy of an email chain, with the first email dated June 15, 2020 (Bates stamped SEA_00140020- SEA_00140026).

44. Attached hereto as **Exhibit 43** is a true and correct copy of an email from Ernesto Apreza to Jenny Durkan; cc to Stephanie Formas regarding “4:15PM Interview with Wolf Blitzer” dated June 13, 2020 (Bates stamped SEA_00040390 – SEA_00040391).

45. Attached hereto as **Exhibit 44** is a true and correct copy of swayandcake's Instagram page dated June 8, 2020 (Exhibit 27 to Tamara Kilburn's Deposition dated May 7, 2021).

46. I calculated the area in the boundaries of Denny, Broadway, 13th, and Pike in Seattle using an online tool available at Google maps. This indicated that the area was 2,198,399.38 square feet. I translated this into .079 square miles, using an online tool, also available from Google. The ratio of 0.079 square miles to the reported 84 square miles total in Seattle is 0.094%.

47. Plaintiffs previously estimated the number of people living in area bounded by Denny, Broadway, 13th, and Pike in 2020, was 4,000 people, as described in my declaration in support of class certification, Dkt. 66 at ¶ 2. The April 2020 census for all of Seattle, according to www.census.gov, was 735,157. The ratio of 4,000 to 735,157 is 0.54%.

I declare under the penalty of perjury under the laws of the United States of America and the State of Washington that the foregoing is true and correct.

DATED this 28th day of October, 2022 at Bainbridge Island, Washington.

s/ Tyler Weaver
Tyler Weaver